

**MINUTES**  
**Town of Crested Butte**  
**Regular Town Council Meeting**  
**Monday, December 4, 2017**  
**Council Chambers, Crested Butte Town Hall**

Mayor Petito called the meeting to order at 7:03PM.

Council members present: Will Dujardin, Kent Cowherd, Chris Haver, Laura Mitchell, and Paul Merck

Staff Present: Town Manager Dara MacDonald, Town Attorneys Barbara Green and John Sullivan, and Community Development Director Michael Yerman

Town Clerk Lynelle Stanford, Finance Director Lois Rozman, Parks and Recreation Director Janna Hansen, and Public Works Director Rodney Due (for part of the meeting)

**APPROVAL OF AGENDA**

Mitchell moved and Dujardin seconded a motion to approve the agenda. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**CONSENT AGENDA**

- 1) November 20, 2017 Regular Town Council Meeting Minutes.**
- 2) Town Council Regular Meeting Schedule for 2018.**
- 3) Memorandum of Understanding between the Grand Mesa, Uncompahgre, and Gunnison National Forest and the Town of Crested Butte for the designation of the Town of Crested Butte as a Cooperating Agency in the GMUG Forest Plan Revision.**
- 4) Letter to Scott Armentrout, Grand Mesa Uncompahgre and Gunnison (GMUG) National Forest Supervisor, providing comments from the Town of Crested Butte on the GMUG Forest Plan Assessment.**
- 5) Resolution No. 72, Series 2017 - A Resolution of the Crested Butte Town Council Approving a Temporary Easement Agreement with the Crested Butte Limited Partnership.**

Dujardin removed the MOU (item #3) and the letter to Scott Armentrout (item #4) from Consent Agenda and moved them to New Business for discussion.

Cowherd moved and Haver seconded a motion to approve the Consent Agenda as amended by moving item numbers 3 and 4 to New Business. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

### **PUBLIC COMMENT**

None

### **STAFF UPDATES**

Lynelle Stanford

- Campaign finance forms for the regular election were due December 7<sup>th</sup>.
- Ballots for the run-off election were mailed last Wednesday. Voted ballots could be dropped at Town Hall from 8:30AM to 5PM. Town Hall would be open from 7AM to 7PM to drop ballots on Election Day. Ballots could also be mailed back.
- The holiday party would be on Friday.
- Meet the New Director and Light Up Night were special events taking place on Friday, as well.

Lois Rozman

- Provided reports on October sales tax, which was up 8% from last year.
- Collection on marijuana taxes was down, but there were missing filers.

Janna Hansen

- Crews would be flooding the rink tonight, a week behind schedule.
- Property owners with adjacent sidewalks were responsible for clearing ice and snow per the Town Code.

Barbara Green

- Green and Sullivan had agreed to charge the Town a flat rate.
- They both wanted to attend the meeting.
- She offered to meet individually with new, as well as pre-existing, Council members.

Rodney Due

- Updated on the wastewater treatment plant (WWTP). Everything was on schedule. Tomorrow night they would be working all night to bring the new process online, and there would be some disruption.
- Due responded, in detail, to Haver's question on Due's reference to trains.

Dara MacDonald

- Encouraged the Council to tour the WWTP and learn about changes that were happening.
- She wanted to discuss the law enforcement situation in the northern valley. Todd Barnes extended an invitation to the Council for a joint meeting with the Mt.

Crested Butte Council. He suggested mid-January. The Council affirmed that MacDonald could proceed with making arrangements.

- The January 8<sup>th</sup> work session would start at 5PM to meet with Sam Light from CIRSA.
- The roundabout discussion would be kicked off again. The consultants would come back for the work session on January 22<sup>th</sup>.
- The Town would go under contract with Western to update the Energy Action Plan. The service agreement would be on the next agenda, and the report would come out in June.

## **PUBLIC HEARING**

### **1) Ordinance No. 35, Series 2017 - An Ordinance of the Crested Butte Town Council Amending Chapter 4 of the Crested Butte Municipal Code to Include New Provisions Establishing the Affordable Housing Fund and a Tax on Vacation Rentals and Making Such Other Related Changes to the Code in Connection Therewith.**

Petito read the title of the ordinance, and he confirmed proper public notice was given. MacDonald pointed out substantive changes from the last meeting and updates to what the funds could be used for. She explained there were a number of editorial changes in the body of the ordinance, which were not particularly substantive. MacDonald confirmed for Cowherd that funds could be used to purchase a unit and that it had been included on the list.

Petito opened the meeting to public comment.

Jim Starr - 323 Gothic

- President of Gunnison County Housing Foundation.
- Encouraged the Council to adopt the ordinance.
- He thanked Glenn Michel and Jim Schmidt for their foresight.
- He supported the ordinance.

The meeting was moved to Council discussion, and there was no further discussion.

Dujardin moved and Mitchell seconded a motion to approve Ordinance No. 35, Series 2017. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

### **2) Ordinance No. 36, Series 2017 - An Ordinance of the Crested Butte Town Council Authorizing the Release of 1991 Restrictive Covenant for Parking.**

Petito read the title of the ordinance. Then, he confirmed proper public notice had been given. Yerman informed the Council that not much had changed from the last meeting. He explained the reason behind the ordinance and the history of the easement held by the Town. Technically, the Town was disposing of the property, so an ordinance was required. There were no comments from the public, and the meeting was moved to

Council discussion. Merck affirmed the parking would be adequate for the short-term rental.

Mitchell moved and Merck seconded a motion to approve Ordinance No. 36, Series 2017. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

### **NEW BUSINESS**

#### **1) Ordinance No. 37, Series 2017 - An Ordinance of the Crested Butte Town Council Adopting Changes and Additions to the 2017 Budget and Appropriations Relative to the Sales Tax Fund and Affordable Housing Fund.**

Rozman stated the ordinance was required by State statute in order to prevent over spending on the budget that had been adopted. She explained the increase to the sales tax fund and the adjustment to the affordable housing fund. The Council had no further discussion.

Mitchell moved and Merck seconded a motion to set Ordinance No. 37, Series 2017 to public hearing at the December 18<sup>th</sup> meeting. **Motion passed.**

#### **2) Memorandum of Understanding between the Grand Mesa, Uncompahgre, and Gunnison National Forest and the Town of Crested Butte for the designation of the Town of Crested Butte as a Cooperating Agency in the GMUG Forest Plan Revision.**

Dujardin drew the Council's attention to page 13 of the packet, which was also page 2 of the MOU. He identified that Town could provide comments on the GMUG forest plan process. In order to be most effective, he wanted to add Carbon Creek Watershed within the scope of comments that would be submitted.

#### **3) Letter to Scott Armentrout, Grand Mesa Uncompahgre and Gunnison (GMUG) National Forest Supervisor, providing comments from the Town of Crested Butte on the GMUG Forest Plan Assessment.**

Yerman suggested a motion to amend the letter to include Carbon Creek Watershed and authorize the Mayor to sign the MOU and the letter to the Forest Service with the amended change.

Dujardin moved and Mitchell seconded a motion to have Jackson sign the MOU and the letter to Scott Armentrout with the amended change to include the Carbon Creek Watershed. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

#### **4) Council Member Appointments to Boards and Committees.**

Mitchell thought that Council should wait until the outcome of the run-off election to appoint. MacDonald questioned if they wanted to appoint Council members to attend meetings. The Council agreed to temporary appointments with the intent to revisit in January.

Mitchell suggested that someone attend RTA and Mountain Express meetings. Haver and Cowherd expressed interest in RTA. Merck stated that someone could be appointed to the Creative District in his place, and Mitchell offered her position on the Chamber Board. Through discussion, it was determined that Haver and Cowherd would attend any RTA meetings. Mitchell remained on Mountain Express, and Dujardin was newly appointed. Mitchell replaced Ladoulis on the TA Board. Mitchell remained on the Chamber Board, and Dujardin became the alternate. Merck informed the Council that he stepped off the Coldharbour Institute. No one was appointed in his place. Haver would attend the next meeting for the Gunnison County Housing Authority Advisory Board. Petito remained on Gunnison Valley Housing Foundation and Merck on the Center for the Arts. There were no changes or additional appointments to the Gunnison Valley Land Preservation Board, West Elk Scenic Byway, and Colorado Association of Ski Towns. Cowherd expressed interest in DOLA Region 10, to which Ladoulis had been appointed. Dujardin agreed to serve on the Upper Gunnison River Water Conservancy District. Dujardin and Cowherd agreed to attend Water Quality/Quantity Committee meetings (QQ). Green explained that decisions were made by consensus at their meetings. Haver volunteered to be on the Downtown Crested Butte Lodging Association, as he already served as chairman. Petito volunteered to serve on the Cemetery Committee, on which Schmidt served; however, the committee would not meet before January. Haver had interest in Community Builders Taskforce. The Council opted to wait to determine the appointment on CDOT Region 3. Cowherd and Dujardin both said they could serve on the Creative District Commission. Mitchell and Merck volunteered for the Grant Review Committee. Both Merck and Haver expressed interest in the Gunnison County Sustainable Tourism and Outdoor Recreation Committee.

## **LEGAL MATTERS**

None

## **COUNCIL REPORTS AND COMMITTEE UPDATES**

Laura Mitchell

- Attended Chamber meeting. They had a discussion on electricity and were organizing the Fat Bike Worlds.
- Reported on the Mountain Express meeting. They were waiting for three busses and were trying to get rid of one or two. They would start charging if the new busses didn't arrive soon.

Kent Cowherd

- Had been attending Brush Creek meetings.

## **OTHER BUSINESS TO COME BEFORE THE COUNCIL**

Petito had been hearing a lot of feedback concerning the Post Office. He offered to meet on an informal basis with the Postmaster. MacDonald said she would invite the Postmaster to talk to the Council.

Haver thought it was important to follow up on the Brush Creek work session with a response to Gatesco and that the response be timely. He wanted to create a response that was clear and simple. Haver suggested they direct Staff, together with a couple of Council members, to work on the letter. He listed points to be included and issues that he wanted Staff to investigate. Petito liked the idea of sending a response that they would approve as a body. He also agreed with having Council members work with Staff. MacDonald was happy to work with Council members and bring back a draft letter for discussion on December 18<sup>th</sup>. Cowherd added what he thought was important to include in the letter, and he offered to participate in drafting the letter. Secondly, he volunteered himself as a representative of Town at Brush Creek meetings.

Haver recognized they were talking about two separate items and that there was discussion around the land use resolution (LUR) and process. Merck wasn't ready to appoint Cowherd to speak for the Town, but he thought it was a good idea to work on a letter. Haver suggested that Merck and Cowherd represent Council on drafting the letter, and on the LUR side, he would ask Staff to continue with comments. Cowherd could talk with Staff to address the LUR. Cowherd clarified he was asking the County to look at their own document.

MacDonald asked for feedback on how actively Council wanted Town to participate in the County's processes. There was discussion on upcoming meetings and specific topics. Haver wanted to direct Staff to look at the LUR and point out parts to address. Petito asked if they wanted to discuss a position for the upcoming Planning Commission meeting on the 15<sup>th</sup>. Haver thought they needed to bring up things that hadn't been brought up, and they could send a clear message to hit the points that hadn't been hit within the LUR. Dujardin stated the plan, in general, was not addressing affordable housing on the County level, nor was it in agreement with the memorandum. Petito thought they needed a list of things that were missing. Yerman told the Council that they wanted to submit a formal comment at the first public hearing. He suggested they develop a letter for the public hearing that would be the Town's formal comment. MacDonald said the issue remained of things they weren't addressing in their work sessions. She identified three points of discussion: 1) the response to Gatesco; 2) supplementing comments to date and asking the Planning Commission to address before the sketch plan decision; and 3) technical comments to submit for the public hearing. Petito summarized that the Council affirmed they would draft a response to Gatesco; they were comfortable with having Staff submit as supplemental comments on what was missing in the LUR; and they had more time to formulate public comment.

Haver wanted to look at when they could get together to discuss goals and priorities for upcoming years. He wanted to ask Staff to look into setting up a date, agenda, and facilitation.

Cowherd revisited the meeting of the Planning Commission on the 15<sup>th</sup>. MacDonald asked if Council wanted to appoint someone from Council to represent Town, in addition to Staff. Green suggested they ask the County to hold the public hearing in Crested Butte. No one on the Council disagreed with Green's suggestion, and the Council took no action on Cowherd's idea to represent Town concerning Brush Creek.

MacDonald updated the Council on the law enforcement situation, specifically that the plan between the County and Mt. Crested Butte was murky. Agencies rely on each other heavily, and there was limited authority and staffing. It was becoming a concern that the discussion was not progressing. Mitchell said there should at least be a six-month agreement. MacDonald emphasized Town would continue to respond to incidents. The Council agreed they desired to facilitate discussion.

#### **DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE**

- Monday, December 18, 2017 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, January 8, 2018 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, January 22, 2018 - 6:00PM Work Session - 7:00PM Regular Council

The Council was reminded that the January 8<sup>th</sup> work session would start at 5PM.

#### **EXECUTIVE SESSION**

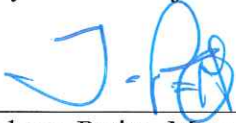
Petito read the reason for the Executive Session: for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) with an update on ongoing legal matters including Mt. Emmons, ADU litigation, and Brush Creek.

Mitchell moved and Dujardin seconded a motion to go into Executive Session. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

The Council went into Executive Session at 8:55PM. The Council returned to open meeting at 9:57PM. Mayor Petito made the required announcement before returning to open meeting.

**ADJOURNMENT**

Mayor Petito adjourned the meeting at 9:58PM.



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Jackson Petito, Mayor



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Lynelle Stanford, Town Clerk

(SEAL)

